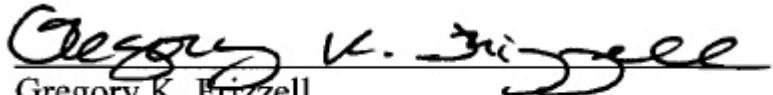


Administrative Law Judge (“ALJ”) that substance abuse was a material factor in Vaughn’s disability. The Magistrate Judge also found that the ALJ did not substitute her opinion for that of the treating physician. Finally, the Magistrate Judge determined that it was not necessary to reach the issue of how to characterize the plaintiff’s work attempts, because the substance abuse determination was supported by the record. The court has reviewed the R&R and concurs with the Magistrate Judge’s recommendations therein.

For the reasons set forth above, the Report and Recommendation of the Magistrate Judge (Dkt. #18) is accepted and adopted as the order of the court, and the decision of the ALJ denying Vaughn’s application for benefits is affirmed.

IT IS SO ORDERED this 15th day of February, 2011.


Gregory K. Frizzell
United States District Judge
Northern District of Oklahoma